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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY,

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18149 of 1994

Between:

A.C. Venkata Subbaiah, Occ: Unemployee,
R/o Proddatur, Cuddapah District.

..... PETITIONER

AND

1 State of A.P. rep. by Secretary
Panchayat Raj Department, Secretariat Buildings,
Hyderabad
2 The Director of School Education A.P., Hyderabad
3 The District Collector, Cuddapah
4 The Chief Executive Officer, ZPP, Cuddapah
5 The Dist. Educational Officer, Cuddapah, (The Writ Petition stood

dismissed against R5 for default vide Court Order dt.14-12-99).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, declaring that G.O.Ms.No.221 Education Dept. dt: 16-7-1994 as unconstitutional and illegal and further direct the respondents to appoint the petitioner as Teacher in the existing vacancy in the A.P.State Controlled Bodies along with the petitioners covered by the order of this Hon'ble Court by Sri Justice S.R.Nayak in WPMP No.17958/1994 etc., in WP Nos17104/94 etc., batch dt: 8-9-94 after declaring that Art.323-A C1.2(d) of the

Constitution and Section 28 of A.P. Administrative Tribunal Act 1985 is unconstitutional for voilating the basic structure of the Constitution.

Counsel for the Petitioner :MR.RAJASEKHARA REDDY

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

O R D E R :-

It is represented by the learned counsel for the petitioner as well as the learned Government Pleader for Panchayat Raj that this Writ Petition is not maintainable, in view of the Judgment of the Supreme Court in ***L.CHANDRAKUMAR Vs. UNION OF INDIA*** and the remedy of the petitioner is to approach the Andhra Pradesh Administrative Tribunal.

In the circumstances, this Writ Petition is dismissed, giving liberty to the petitioner to approach the Andhra Pradesh Administrative Tribunal and seek redress of his grievance, if the petitioner is so advised and so chooses. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Secretary, State of A.P.,
Panchayat Raj Department, Secretariat Buildings,
Hyderabad
2 The Director of School Education A.P., Hyderabad
3 The District Collector, Cuddapah
4 The Chief Executive Officer, ZPP, Cuddapah,

5 Two CCs to Government Pleader for Panchayat Raj and

Rural Development,

6 Two CD copies.